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MAILED

FEB 01 2012

PCT LEGAL ADMINISTRATION

In re Application of	:	
IKARASHI, et al.	:	
Application No.: 10/579,717	:	DECISION ON PETITION
PCT No.: PCT/JP2004/017023	:	
Int. Filing Date: 16 November 2004	:	UNDER 37 CFR 1.181
Priority Date: 20 November 2003	:	
Atty docket no.: 290840US3PCT	:	
For: METAL EVAPORATION HEATING ELEMENT	:	
AND METHOD FOR EVAPORATING METAL	:	

This is a decision on applicant's request for corrected notice of acceptance filed 04 August 2008 in the United States Patent and Trademark Office (USPTO). The filing is being treated as a petition under 37 CFR 1.181. No petition fee is due.

On 14 April 2008, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) informing applicant of the need to provide an executed oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date; as well as, an English translation of the international application as filed. Applicant was given two months to respond and advised that this time period could be extended with a proper petition and payment of fees.

On 11 June 2008, applicant filed a response indicating that the above items had been provided to the USPTO on 17 May 2006. Applicant's response included true and complete copies of the papers and a stamped postcard listing the declaration and English translation.

On 02 July 2008, applicant was mailed a "Notification of Acceptance" (Form PCT/DO/EO/903) indicating a 371 date of receipt of the 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) requirements as 11 June 2008.

On 04 August 2008, applicant filed the present petition claiming that the 371 requirements were satisfied on 17 May 2006.

The Manual of Patent Examining Procedure (MPEP) section 503 explains that: "A postcard receipt which itemizes and properly identifies the items which are being filed serves as prima facie evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO."

As detailed above, applicant's 11 June 2008 filing included a stamped return postcard. As such, it is proper to grant applicant's petition at this time.

Applicant's petition under 37 CFR 1.181 is **GRANTED**.

The application has an international filing date of 16 November 2004 under 35 U.S.C. 363 and will be given a date of **17 May 2006** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

The "Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495" (Form PCT/DO/EO/903) mailed 02 July 2008 is hereby **VACATED**.

This application is being returned to the United States Designated/Elected Office (US/DO/EO) for further processing in accordance with this decision, namely the issuance of a Form PCT/DO/EO/903 and a corrected filing receipt indicating the correct 371 date as detailed above.



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